



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH
Washington, D.C. 20570

Via email

June 2, 2023

Re: FOIA Request NLRB-2023-000797

Dear Brigham Brau (UNC Chapel Hill):

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, received on February 13, 2023, in which you request the most recent and updated information up to 2023, of the same data released in FOIA Request NLRB-2019-000491 in 2019 in which you seek the following:

- A year-by-year breakdown of the number of ULP charges filed annually from FY 2003- 2023, categorized by filing party type (i.e. individual, union, employer);
- A year-by-year breakdown of the resolution (i.e. withdrawal, ruling for petitioner/defendant, settlement, etc.) of ULP charges filed annually from FY 2008 to the present;
- Any analysis of the number of ULP charges filed annually (January 1, 2008 to the present);
- Any analysis of the number of ULP charges filed annually (January 1, 2008 to the present);
- Any documents analyzing or addressing the impact of political appointees on the filing of ULP charges with the NLRB (January 1, 2008 to the present).

You requested a fee waiver for your request.

We acknowledged your request on February 11, 2023. We regret the delay in our final response.

Reasonable searches were conducted in the Agency's electronic casehandling system, NxGen, for Fiscal Years 2011 through 2023. These searches produced the requested statistical data which is being provided to you in the attached thirteen Excel spreadsheets. Fiscal Years 2000 through 2010, which are publicly available in FOIAonline, are also being provided to you via three Excel spreadsheets. The information came from our legacy database, Case Information Tracking System (CATS), which was taken off-line in late 2018, so no additional

searches can be conducted for these years beyond what was already done for previous requesters.

Regarding the portion of your request seeking documents analyzing or addressing the impact of political appointees on the filing of ULP charges with the NLRB (January 1, 2008 to the present), search inquiries were directed to staff in the General Counsel's Office, the Division of Operations Management, the Executive Secretary's Office, and the Office of Public Affairs. Pursuant to the FOIA, staff in all four offices conducted a reasonable search of their files but were unable to locate any responsive records.

For the purpose of assessing fees, we have placed you in Category B, which generally covers educational institutions that operate a program or programs of scholarly research, NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(1)(vi). We have placed you in this category, because you are a student at an educational institution seeking records to further scholarly research. Accordingly, there is no charge assessed for this request. Given your placement in the educational institution category, your request for a fee waiver is moot.

You may contact Lalitta Gillis, the FOIA Specialist who processed your request, at (202) 273-0101 or by email at Lalitta.Gillis@nrlb.gov, as well as the Agency's FOIA Public Liaison, for any further assistance and/or to discuss any aspect of your request. The FOIA Public Liaison, in addition to the FOIA Specialist, can further explain responsive and releasable agency records, suggest agency offices that may have responsive records, and/or discuss how to narrow the scope of a request in order to minimize fees and processing times. The contact information for the FOIA Public Liaison is:

Kristine M. Minami, FOIA Public Liaison
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: FOIAPublicLiaison@nrlb.gov
Telephone: (202) 273-0902
Fax: (202) 273-FOIA (3642)

After first contacting the Agency, you may additionally contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
Email: ogis@nara.gov

June 2, 2023

Page 3

Telephone: (202) 741-5770

Toll free: (877) 684-6448

Fax: (202) 741-5769

You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an administrative appeal with the Division of Legal Counsel (DLC) through FOIAonline at: <https://foiaonline.gov/foiaonline/action/public/home> or by mail or email at:

Nancy E. Kessler Platt, Chief FOIA Officer
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: DLCFOIAAppeal@nrlrb.gov

Any appeal must be postmarked or electronically submitted within 90 calendar days of the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based.

Please be advised that contacting any Agency official (including the FOIA Specialist, FOIA Officer, or the FOIA Public Liaison) and/or OGIS does not stop the 90-day appeal clock and is not an alternative or substitute for filing an administrative appeal.

Sincerely,

/s/ Synta E. Keeling

Synta E. Keeling
FOIA Officer

Attachment: (16 Excel spreadsheets)